

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREGORY REDDICK,	:	09 Civ. 09500 (RJH) (MHD)
	:	
Petitioner,	:	
	:	
-against-	:	
	:	<u>ORDER</u>
B. YELICH	:	<u>ADOPTING REPORT</u>
	:	<u>AND</u>
Respondent.	:	<u>RECOMMENDATION</u>
	:	
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On November 16, 2009, Gregory Reddick timely petitioned this court for a writ of habeas corpus, challenging a 2007 judgment in New York State Supreme Court convicting him of criminal possession of a forged instrument in the second degree. An amended petition was entered on January 13, 2010.

On August 3, 2011, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation (the "Report") advising this court to deny the writ and dismiss the petition with prejudice. The Report gave Reddick fourteen days to file written objections to the Report and Recommendation, and warned him that failure to file timely objections would waive those objections both in the District Court and on later appeal to the United States Court of Appeals. (Report at 21.)

On August 9, 2011, Reddick requested an extension of time, until September 11, 2011, to file objections to Judge Dolinger's Report; this court granted the request on August 23, 2011. No objections, however, were ever filed by Reddick.

A district court judge may designate a magistrate judge to hear and determine certain motions and to submit to the court proposed findings of fact and a

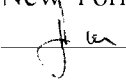
recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Any party may file written objections to the magistrate's Report and Recommendation. *Id.* In reviewing a Report and Recommendation, the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where no objection to a Report and Recommendation has been filed, the district court “need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F.Supp.2d 606, 609–10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

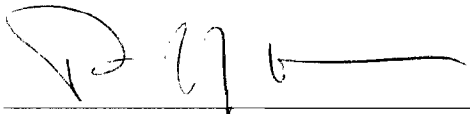
As Reddick did not object to Judge Dolinger’s Report within the authorized period, the court reviews it for clear error only. Upon review, the court finds no clear error, and hereby affirms and adopts the Report in its entirety as the opinion of the court. Reddick’s petition is DENIED with prejudice. Further, as Reddick has not made a substantial showing of the denial of a constitutional right, the Court declines to issue a certificate of appealability. *See* 28 U.S.C. 2253(c)(1). Reddick may, however, pursue any further appellate remedies *in forma pauperis*.

A copy of the Report shall be included with this opinion for publication.

The Clerk of the Court is directed to mail a copy of this order to petitioner, and to close this case.

SO ORDERED.

Dated: New York, New York
 **10**, 2012



Richard J. Holwell
United States District Judge